

### Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., e.d.t. on June 14, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

## IV. Procedural Determinations

### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards

are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 has been met.

### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed States regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

### List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 23, 1995.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 95-13158 Filed 5-26-95; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-50582L; FRL-4919-6]

RIN 2070-AB27

### 1,3-Propanediamine, *N,N'*-1,2-Ethanedithiolbis-, Polymer with 2,4,6-Trichloro-1,3,5-triazine, Reaction Products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine; Proposed Modification of Significant New Use Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to modify the significant new use rules (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 1,3-propanediamine, *N,N'*-1,2-ethanedithiolbis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine, based on a modification to the TSCA 5(e) consent order regulating the substance. **DATES:** Written comments must be received by EPA on or before June 29, 1995.

**ADDRESSES:** All comments must be sent in triplicate to: TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW., Washington, DC 20460. Comments that are confidential must be clearly marked confidential business information (CBI). If CBI is claimed, three additional sanitized copies must also be submitted. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Comments should include the docket control number. The docket control number for the chemical substance in this SNUR is Unit IV. of this preamble contains additional information on submitting comments containing CBI.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special

characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS-50582L. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

**FOR FURTHER INFORMATION CONTACT:**

Susan B. Hazen, Director, TSCA Assistance Office (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of August 20, 1990 (55 FR 33296), EPA issued a SNUR establishing significant new uses for 1,3-propanediamine, *N,N'*-1,2-ethanediybis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine based on the section 5(e) consent order for the substance. Because of additional data EPA has received for this substance, EPA is proposing to modify the SNUR.

### I. Background

EPA is proposing to modify the significant new use requirements for the following chemical substance under 40 CFR part 721, subpart E. In this unit, EPA provides a brief description for the substance, including its PMN number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the modification of the section 5(e) consent order for the substance, and the CFR citation in the regulatory text section of this proposed rule. Further background information for the substance is contained in the rulemaking record referenced in Unit IV., of this preamble.

#### PMN Number P-89-632

**Chemical name:** 1,3-Propanediamine, *N,N'*-1,2-ethanediybis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine  
**CAS number:** Not available.

**Effective date of modification of section 5(e) consent order:** September 23, 1994.

**Basis for modification of section 5(e) consent order:** Based on the results of a 90-day oral toxicity study on the PMN substance, the Company petitioned EPA to reconsider the consent order's worker protection and hazard communication requirements. The Company petitioned

the Agency to modify the consent order and SNUR to (1) Broaden the choice of workplace protective equipment to include two 21C air-purifying respirators with high efficiency particulate filters and (2) remove "reproductive effects" from the list of human health hazards to be included on the Material Safety Data Sheet or label accompanying shipments of the PMN substance. EPA, through written correspondence, negotiations, and meetings with the Company, recalculated the risk assessment of the PMN based on the test data provided by the Company. Based on this risk assessment, the Agency determined that the broader choice of respirators would provide adequate protection against an unreasonable risk of systemic effects to workers who may be exposed to the PMN substance via inhalation. The Agency also believes that there was no evidence of reproductive toxicity in the results of the submitted data. This SNUR had incorrectly listed "birth defects" rather than "reproductive effects" in the Hazard Communication Program at 40 CFR 721.72. Accordingly, the "birth defects" SNUR requirement (§ 721.72(a)(v)) is being removed, effective this modification, and "reproductive effects" is being removed from the consent order. Finally, in response to the Company's submission of aquatic toxicity testing protocols to the Agency for review, the Company was informed that such testing would no longer be required and related prohibitions on release of the PMN substance to water would also be removed from the consent order. This action is being taken based on test data on polycationic polymers structurally similar to the PMN substance which have been submitted to the Agency in the intervening period between the December 1989 signature of the consent order and the Company's submission of the aquatic toxicity testing protocols. These test data indicate that the PMN substance, because of its physical/chemical properties (i.e., charge density of 4.8 percent amine nitrogen, low water solubility (<10 mg/L), and does not appear to be self-dispersing in water), will bind quickly to naturally-occurring dissolved organic carbon in surface waters and settle in sediment, where it is not expected to be bioavailable. As a result, the toxicity to aquatic and sediment-dwelling organisms is expected to be mitigated significantly, such that the Agency no longer finds that the PMN substance will pose an unreasonable risk of injury to the environment. Accordingly, the testing requirement for toxicity to aquatic

organisms and the associated hazard communication language, prohibition on release to water, and recordkeeping provisions related to these restrictions are also removed by this modification to the consent order. The Agency has determined, therefore, that modifying the consent order and SNUR would not pose an unreasonable risk to human health or the environment.  
*CFR citation:* 40 CFR 721.7280.

### II. Objectives and Rationale of Proposing Modification of the Rule

During review of the PMN submitted for the chemical substance that is the subject of this proposed modification, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health and environmental effects of the substance. EPA identified the tests considered necessary to evaluate the risks of the substance and identified the protective equipment necessary to protect any workers who may be exposed to the substance. The basis for such findings is in the rulemaking record referenced in Unit III. of this preamble. Based on these findings, a section 5(e) consent order modification was negotiated with the PMN submitter.

In light of the petition to modify the consent order and SNUR, the 90-day subchronic test, the data on structurally similar polycationic polymers, and the recalculation of the risk assessment of the PMN substance based on information provided by the petitioner, the Agency determined that modifying the consent order and SNUR would not pose an unreasonable risk to human health or the environment. The proposed modification of SNUR provisions for the substance designated herein is consistent with the provisions of the section 5(e) order.

### III. Rulemaking Record

The record for the rule which EPA is proposing to modify was established at OPPTS-50582. This record includes information considered by the Agency in developing this rule (including comments and data submitted electronically as described below) and includes the modification to consent orders to which the Agency has responded with this proposal.

A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center,

Rm. NE-B607, 401 M St., SW.,  
Washington, DC 20460.

Electronic comments can be sent  
directly to EPA at:  
ncic@epamail.epa.gov

Electronic comments must be  
submitted as an ASCII file avoiding the  
use of special characters and any form  
of encryption.

The official record for this  
rulemaking, as well as the public  
version, as described above will be kept  
in paper form. Accordingly, EPA will  
transfer all comments received  
electronically into printed, paper form  
as they are received and will place the  
paper copies in the official rulemaking  
record which will also include all  
comments submitted directly in writing.  
The official rulemaking record is the  
paper record maintained at the address  
in ADDRESSES at the beginning of this  
document.

#### IV. Comments Containing Confidential Business Information

Any person who submits comments  
claimed as CBI must mark the  
comments as "confidential," "trade  
secret," or other appropriate  
designation. Comments not claimed as  
confidential at the time of submission  
will be placed in the public file. Any  
comments marked as confidential will  
be treated in accordance with the  
procedures in 40 CFR part 2. Any party  
submitting comments claimed to be  
confidential must prepare and submit a  
public version of the comments that  
EPA can place in the public file.

#### V. Regulatory Assessment Requirements

EPA is modifying the requirements of  
the rule by eliminating several  
requirements. Any costs or burdens  
associated with the rule will be reduced  
when the rule is modified. Therefore,  
EPA finds that no additional  
assessments of costs or burdens are  
necessary under Executive Order 12866,  
the Regulatory Flexibility Act (5 U.S.C.  
605(b)), or the Paperwork Reduction Act  
(44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals,  
Hazardous materials, Reporting and  
recordkeeping requirements, Significant  
new uses.

Dated: May 16, 1995.

**Charles M. Auer,**

*Director, Chemical Control Division, Office  
of Pollution Prevention and Toxics.*

Therefore, it is proposed that 40 CFR  
part 721 be amended to read as follows:

#### PART 721—[AMENDED]

1. The authority citation for part 721  
would continue to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and  
2625(c).

2. In § 721.7280 by revising  
paragraphs (a)(2)(i) and (a)(2)(ii),  
removing paragraphs (a)(2)(iii) and  
(a)(2)(iv), and revising paragraph (b)(1)  
to read as follows:

**§ 721.7280 1,3-Propanediamine, N,N'-1,2-ethanediylbis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine**

(a) \* \* \*

(2) \* \* \*

(i) *Protection in the workplace.*

Requirements as specified in  
§ 721.63(a)(1), (a)(2)(iii), (a)(3), (a)(4),  
(a)(5)(i), (a)(5)(ii), (a)(5)(iv), (a)(5)(v),  
(a)(6)(i), (a)(6)(ii), (b)(concentration set  
at 0.1 percent) and (c).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72(a)  
through (f), (g)(1)(iv), (g)(1)(viii),  
(g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv),  
(g)(2)(v), and (g)(5).

(b) *Specific requirements.* The  
provisions of subpart A of this part  
apply to this section except as modified  
by this paragraph.

(1) *Recordkeeping.* Recordkeeping  
requirements as specified in  
§ 721.125(a) through (i) are applicable to  
manufacturers, importers, and  
processors of this substance.

\* \* \* \* \*

[FR Doc. 95-13135 Filed 5-26-95; 8:45 am]

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shipbuilders into the commercial  
market. This extension is being granted  
at the request of the American  
Shipbuilding Association, which  
represents shipyards that employ a large  
percentage of the workers employed in  
private U.S. shipbuilding facilities and  
which is vitally interested in the Title  
XI program.

**DATES:** Written comments are requested  
and must be received on or before June  
13, 1995.

**ADDRESSES:** Comments may be mailed  
or otherwise delivered to the Secretary,  
Maritime Administration, Room 7210,  
Department of Transportation, 400  
Seventh Street SW., Washington, D.C.  
20590. All comments will be made  
available for inspection during normal  
business hours at the above address.  
Commenters wishing MARAD to  
acknowledge receipt of comments  
should enclose a stamped self-addressed  
envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:**  
David A. Lippold, Examiner, Division of  
Capital Assets Management, Office of  
Ship Financing, Maritime  
Administration, Room 8122, 400  
Seventh Street SW., Washington, D.C.  
20590. Telephone 202-366-1907.

Dated: May 25, 1995.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 95-13253 Filed 5-26-95; 8:45 am]

BILLING CODE 4910-81-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 25

[IB Docket No. 95-59; FCC 95-180]

#### Preemption of Local Zoning Regulations

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission has  
proposed revisions to its rule  
preempting local regulation of satellite  
earth stations. These revisions are being  
proposed in response to two Petitions  
for Declaratory Ruling filed by Satellite  
Broadcasting and Communications  
Association and Hughes Network  
Systems, Inc. and as a result of the  
decision of the U.S. Court of Appeals of  
the Second Circuit where the court  
invalidated the requirement that  
satellite-antenna users exhaust all other  
legal remedies before petitioning the  
Commission for a declaratory ruling.